IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8125 OF 2007

Chetan C.Gala ...Petitioner

Versus

Daksha Gala and Ors. ....Respondent

Mukesh J.Pabari for the petitioner.

CORAM: S.C.DHARMADHIKARI, J.

4th December, 2007.

P.C. :

1. The petitioner husband is aggrieved by an order of interim maintenance. The order grants Rs.3,000/- to the respondent wife and Rs.3,000/- to the minor per month. The order is challenged on the ground that the Learned Judge has failed to take into consideration that the petitioner has not been earning Rs.25,000/- allegedly per month. The shop premises are also not belonging to the family and in any event, not to the petitioner. Some interest is claimed in the shop premises by his father and the petitioner has no

role to play, insofar as, the business carried out therefrom. The independent earning of the petitioner is also not what the Learned Judge has concluded.

2. The Learned Advocate appearing for the petitioner, after taking instructions, makes a statement that without prejudice to his rights and contentions to apply for modification and/or variation of the impugned order, he would deposit in the trial court a sum of Rs.1500/- per month for the wife and Rs.1500/- per month towards maintenance of the child from 1.8.2007 till date within a period of 15 days from today. If bonafides are shown and these amounts are deposited, the petitioner is at liberty to apply for modification and/or variation of the impugned order. If the amount is not deposited as undertaken, then the writ petition stands dismissed without any interference with the interim order and thereupon all consequences in law shall follow. Petition disposed off. No costs.

sd/-

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